

# Ethics Program

## Assistance Visit & Program Review Guide

**Department of Defense General Counsel**

**Standards of Conduct Office**

(Last Modified on 8/18/2011)

## **BACKGROUND**

Section 1-401 of DoD 5500.7-R, Joint Ethics Regulation (JER), requires each Designated Agency Ethics Official (DAEO) to manage and oversee local implementation of the ethics program and JER. One way in which the DoD General Counsel, who is also the Department of Defense DAEO, carries out this oversight responsibility is through periodic on-site ethics program reviews and assistance visits of Deputy DAEOs who come under the cognizance of the DoD General Counsel.

### **GOALS OF PROGRAM REVIEW**

This program review and assistance visit is designed to achieve the following goals:

1. To assist Deputy DAEOs to implement the JER and associated ethics regulations, policies, and statutes.
2. To review and evaluate ethics programs established by Deputy DAEOs.
3. To assist Deputy DAEOs to prepare for program reviews by the United States Office of Government Ethics (OGE).
4. To evaluate the effectiveness of the ethics program.
5. To obtain feedback from Deputy DAEOs and DoD personnel regarding all aspects of the ethics program and its effectiveness.
6. To strengthen working relationships between the Deputy DAEO and DoD Standards of Conduct Office (SOCO)

**If, when the program review and assistance visit has been completed, both the agency and the DoD SOCO have not received substantial benefit, we have failed.**

### **PROGRAM REVIEW PROCEDURE**

We recognize that these visits are expensive. They require substantial time and resources. To ensure that, in spite of the costs, program reviews and assist visits provide a valuable return, we have designed the program to be brief, focused, and responsive to our goals.

In that vein, we recommend that the visits proceed along the following steps:

1. DoD SOCO notifies the Deputy DAEO of the pending visit, and they mutually agree upon a convenient date for the visit.
2. The Deputy DAEO consults the review guide (on the SOCO website).
3. Prior to the visit, DoD SOCO reviews relevant component materials held at DoD. Such materials include OGE 278s, training plans, inputs for the annual OGE report, and inputs for semi-annual 31 U.S.C. 1353 reports.
4. Deputy DAEO collects, organizes, and prepares documents for review.

5. At beginning of site visit, the Deputy DAEO briefs reviewers on agency ethics procedures, summarizing how the component carries out its ethics program.
6. DoD SOCO personnel examine records and materials discussed in the review guide, seek information and feedback from the organization on the ethics program, and provide on-site advice and assistance.
7. After the site visit, DoD SOCO provides a written summary of program review results to the Deputy DAEO.

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5. 5 U.S.C. app. 501 *et seq.*, (Outside earned income, honoraria, and outside employment limitations, except 501(b) and 505(3))
6. 31 U.S.C. 1353 (Acceptance of travel and related expenses from non-Federal sources)
7. DoD 5500.7-R, Joint Ethics Regulation
8. Part 1 of Executive Order 12674, as modified by Executive Order 12731
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11. 5 C.F.R. part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch)
12. 5 C.F.R. part 2636 (Limitations on Outside Employment and Prohibition on Honoraria)
13. 5 C.F.R. part 2637 (Regulations Concerning Post-Employment Conflict of Interest.)
14. 5 C.F.R. part 2638 (Training)
15. 5 C.F.R. part 2640 (Interpretation of 18 U.S.C. 208)
16. 5 C.F.R. part 2641 (Regulations Concerning Post-Employment Conflict of Interest)
17. 41 C.F.R. part 304-1 (Federal travel regulation; acceptance of payment from a non-Federal source for travel expenses)

## **I. COMPONENT INFORMATION**

- A. Review mission statement and organizational chart to understand mission, size, and unique aspects that may affect the ethics program. If convenient, brief may be helpful.
- B. Review organizational chart of Deputy DAEO's office, including personnel assigned and duties. Ensure staffing is adequate.
- C. Review all delegations of authority by the Deputy DAEO.
- D. Review all published guidance by the agency on ethics and standards of conduct, including instructions, directives, interoffice guidance, forms, and pamphlets.
- E. Review e-mail and Internet connectivity with DoD SOCO.

## **II. PUBLIC FINANCIAL DISCLOSURE (OGE 278) (EXCLUDING SPECIAL GOVERNMENT EMPLOYEES)**

- A. Review local guidance for collecting, reviewing, evaluating and making OGE 278s available to the public.
  - 1. Include check lists, instructions, forms, etc.
  - 2. Ensure such guidance does not conflict with higher authority.
- B. Obtain master list of individuals required to file OGE 278s.
  - 1. Civilian Presidential appointees.
  - 2. Generals and Admirals.
  - 3. SES members.
  - 4. Civilian employees who are not part of the Government Schedule, whose rate of basic pay for their positions is fixed at or above 120% of the minimum rate of basic pay for a GS-15.
  - 5. Schedule C employees.
  - 6. Personnel detailed in accordance with the Intergovernmental Personnel Act (IPA) to positions normally held by SES personnel.
  - 7. Highly Qualified Experts (HQEs) and Information Technology Exchange Program personnel (ITEP)
  - 8. Individuals detailed to or acting in positions set out above.

- C. Review procedures for identifying individuals required to file. Are the individuals identified within 30 days of entering or leaving a covered position?
1. Have the personnel offices provided accurate and timely data regarding individuals required to file, in accordance with JER 7-201?
  2. Review procedures for notifying personnel (new entrants, annual filers, and termination filers) regarding the requirement to file. (JER, 7-202)
  3. Review actions against filers who failed to file within the 30 day requirement.
  4. Examine tracking system. Is it effective?
- D. Review all financial disclosure reports. (Check them against reports from the previous years.)
1. Are the reports filed in a timely manner? (5 C.F.R. 2634.201 and JER, 7-203)
  2. Has the agency either assessed the \$200 late filing fee or granted a waiver of the fee for reports that have been filed more than 30 days late? (5 C.F.R. 2634.704)
  3. Has the agency applied OGE's criteria for granting waivers of the fee? (5 C.F.R. 2634.704)
  4. Has the agency considered civil action or administrative remedies for reports that have not been filed after their due date? (5 C.F.R. 2634.701)
  5. Have the reports been reviewed within 60 days of filing? (5 C.F.R. 2634.605, JER, 7-206.c.(7))
  6. Are reports complete and accurate?
  7. Did the ethics issues raised on the reports result in advice/counseling to filers on preventing ethics violations?
  8. Are apparent conflicts of interest appropriately addressed?
    - a. Review letters of disqualification.
    - b. Review waivers.
    - c. Review divestitures.
    - d. Review warning letters.
    - e. Are remedial actions completed within 3 months? (JER, 7-206.b.(6))
  9. Have the reports followed the proper chain of submission? (JER, 7-205, 206)
  10. Does the reviewer have access to OGE's *Public Financial Disclosure, 2<sup>nd</sup> edition: A Reviewer's Guide*?
  11. Review list or lists of prohibited sources used by reviewer to determine potential conflicts of interest.
- E. Determine status of reports that were not reviewed.

- F. Determine training and experience of reviewers.
  - 1. What is the content of their training (e.g., 5 C.F.R. 2634, 2635, criminal statutes, waivers, disqualifications, supplemental regulations)?
  - 2. Have they taken the OGE public financial disclosure training course?
  - 3. Have they received on-the-job training?
- G. Determine whether the agency is using an electronic 278, and if so:
  - 1. it duplicates the most recent edition of the 278,
  - 2. any variations have been approved by OGE and GSA,
  - 3. if it is a “smart” fillable version, it has been approved by OGE, GSA, and OMB,
  - 4. and none of the form is being transmitted via the Internet.
- H. Review storage of OGE 278s.
  - 1. Are reports and related materials retained 6 years?  
(5 C.F.R. 2634.604, JER, 7-207)
  - 2. Are materials retained longer than 6 years?
  - 3. Is storage adequate to ensure protection of privacy interests?
- I. Review records of public disclosure of OGE 278s.
- J. Do filers certify annually their compliance with post-employment statutes?  
(JER 8-400)
- K. References:
  - 1. 5 C.F.R. 2634 subparts B and C
  - 2. JER, 7-200 to 209
  - 3. *Public Financial Disclosure, 2<sup>nd</sup> edition: A Reviewer's Guide*

### **III. CONFIDENTIAL FINANCIAL DISCLOSURE (OGE FORM 450 and OF 450-A) (EXCLUDING SPECIAL GOVERNMENT EMPLOYEES)**

- A. Review local guidance (including check lists, instructions, and forms) for collecting, reviewing, evaluating, and disclosure of confidential financial disclosure reports. Ensure such guidance does not conflict with higher authority.



- B. Ensure tracking system is effective.
- C. Review how the agency determines what positions file. Are the appropriate positions covered? Is there over-coverage?
- D. Review master list of individuals required to file to ensure compliance with JER, 7-300 and 5 C.F.R. 2634.904.
- E. Review procedures for identifying individuals required to file. Are individuals identified within 30 days of entering a covered position?
  - 1. Have personnel offices provided accurate and timely data for newly appointed employees? (JER, 7-301)
  - 2. Have personnel offices provided a list of annual filers? (JER, 7-301.a.(2)).
  - 3. How are employees, whose duties have changed so as to require filing, identified?
- F. Review actions against individuals who failed to file within the 30 day requirement.
- G. Review financial disclosure reports.
  - 1. Are the reports filed in a timely manner? (JER, 7-303)
  - 2. Have they been reviewed within 60 days of filing? (JER, 7-306.1.)
  - 3. Are reports complete and accurate?
  - 4. Did the ethics issues raised on the reports result in advice/counseling to filers on preventing ethics violations?
  - 5. Are apparent conflicts of interest appropriately addressed?
    - a. Review letters of disqualification.
    - b. Review waivers.
    - c. Review divestitures.
    - d. Review warning letters.
  - 6. Review the list or lists of prohibited sources used by the reviewer to determine potential conflicts of interest.
- H. Determine status of OGE Forms 450 that were not reviewed.
- I. Review Optional Form 450-A reports.
  - 1. Is the privacy of the filer protected?
  - 2. Are the filers entitled to file the Optional Form?
  - 3. Are the forms complete, signed by the filer and supervisor?

4. Have the forms been filed in a timely manner?
  5. Has an OGE Form 450 been filed within 3 years?
- J. Determine training and experience of reviewers.
1. What is the content of their training (e.g. 5 C.F.R. 2634, 2635, criminal statutes, waivers, disqualifications, supplemental regulations)?
  2. Have they taken the OGE confidential financial disclosure training course?
  3. Have they received on-the-job training?
- K. Determine whether the agency is using an electronic 450, and if so:
1. it duplicates the most recent edition of the 450,
  2. any variations have been approved by OGE,
  3. if it is a “smart” fillable version, it has been approved by OGE and OMB,
  4. and none of the form is being transmitted via the Internet.
- L. Evaluate the storage of the reports.
1. Are reports retained for 6 years? (5 C.F.R. 2634.604, JER, 7-307).
  2. Are reports retained for more than 6 years?
  3. Is storage adequate to ensure protection of privacy interests
- M. Review records of disclosure (OGE Forms 450)
- N. References:
1. 5 C.F.R. 2634 subpart I
  2. JER, 7-300 to 310
  3. 71 Federal Register 28229

#### **IV. WRITTEN EXEMPTIONS FOR EMPLOYEES ON DETAIL**

- A. Review all written exemptions from the restrictions of subpart B of 5 C.F.R., part 2635 (Gifts from Outside Sources) for employees detailed to non-Federal entities that were issued during the current and previous calendar year. (5 C.F.R. 2635.104(c))
- B. Ensure that such exemptions have been granted in accordance with 5 C.F.R. 2635.104(c).

## **V. WRITTEN DETERMINATIONS FOR AWARDS**

Review all written determinations approving the acceptance of gifts with a value in excess of \$200 or cash or an investment interest for meritorious public service, or an honorary degree from an institution of higher education that were issued during the current and previous calendar year. (5 C.F.R. 2635.204(d))

## **VI. WRITTEN DETERMINATIONS FOR WIDELY ATTENDED GATHERINGS**

Review all written determinations for widely attended gatherings that were issued during the current and previous calendar year. (5 C.F.R. 2635.204(g))

## **VII. WRITTEN AUTHORIZATIONS FOR APPEARANCES**

Review all written authorizations for personnel to participate in particular matters involving specific parties that raise the question of impartiality and were issued during the current and previous calendar year. Ensure they:

1. Have been made in accordance with 5 C.F.R. 2635.502(d);
2. Have screening arrangements

## **VIII. WRITTEN WAIVERS UNDER 18 USC 208**

Review all written 18 USC 208 waivers that were granted during the current and previous calendar year. Ensure they:

1. Were granted in consultation with DoD SOCO; and
2. Meet the requirements set forth in 2640.301(a) or 2640.302(a).

## **IX. WRITTEN WAIVERS FOR EXTRAORDINARY PAYMENTS FROM FORMER EMPLOYERS**

Review all written waivers of the disqualification requirement related to extraordinary payments from former employers which were issued during the current and previous calendar year. Ensure such waivers:

1. Have been made in accordance with 5 C.F.R. 2635.503(c);
2. Have screening arrangements

## **X. WRITTEN AUTHORIZATIONS FOR PERSONNEL WHO ARE SEEKING EMPLOYMENT**

Review all written authorizations permitting personnel to participate in particular matters that affect the financial interests of prospective employers, raise questions of impartiality, and were issued during the current and previous calendar year. Ensure that such authorizations have been made in accordance with 5 C.F.R. 2635.605(b).

## **XI. AUTHORIZATIONS FOR OUTSIDE EMPLOYMENT**

Review all written authorizations to engage in outside employment and activities issued in the current and previous calendar year. Ensure that such outside employment and activities have been authorized in advance in accordance with 5 C.F.R. 2635.803 and JER, 2-206.

## **XII. ADVANCE AUTHORIZATIONS TO ENGAGE IN TEACHING FOR COMPENSATION**

Review all written authorizations to engage in teaching by non-career employees at levels above GS-15 (along with corresponding written requests) that were issued during the current and previous calendar year. Ensure that such teaching has been authorized in accordance with 5 C.F.R. 2636.307.

### **XIII. WRITTEN OPINIONS AND COUNSELING**

- A. Review a sufficient sample of opinions and counseling issued during the current and previous calendar year addressing various ethics matters (e.g., gifts, invitations, conflicts of interest, outside employment, seeking employment, post-employment, procurement integrity, travel, etc.).
- B. Ensure that:
  - 1. A counseling program for agency personnel concerning all ethics and standards of conduct matters, including post-employment matters, has been developed and conducted in accordance with 5 C.F.R. 2638.203(b)(7);
  - 2. Records have been kept, where appropriate, on advice rendered;
  - 3. The advice/counseling accurately and completely applies the statutes and regulations in appendix A; and
  - 4. Guidance is provided DoD personnel who are departing Federal Service. (JER, 9-502)

### **XIV. ACCEPTANCE OF TRAVEL EXPENSES PURSUANT TO 31 U.S.C. 1353**

- A. Review the agency's process for compiling the semiannual report.
- B. Ensure that authorizations in the current and previous calendar year have been authorized by officials at as high an administrative level as practical, in accordance with 41 C.F.R. 304-5.2, and coordinated with ethics officials, and that:
  - 1. They are for a meeting or similar function that the personnel have been authorized to attend in an official capacity on behalf of the agency, in accordance with 41 C.F.R. 304-1.2, 304-2.1, and 304-5.1;
  - 2. It is for travel and related expenses that have been accepted from a non-Federal source that is not disqualified on the basis of a conflict of interest analysis made in accordance with 41 C.F.R. 304-5.3;
  - 3. Have been for payment in kind or by check or similar instrument, in accordance with 41 C.F.R. 304-2.1 and 304-6.1;
  - 4. If for an accompanying spouse, has been approved in accordance with 41 C.F.R. 304-3.14;
  - 5. If in excess of \$250, the payments related to such authorization have been reported to SOCO (or, if subsequent to the reporting deadline, will be reported to SOCO) in accordance with 41 C.F.R. 304-6.4 and 304-6.5;

6. Ensure travel was approved in advance by the appropriate official (41 C.F.R. 304-1.2, 304-3.3 and 304-3.12);
  7. Ensure travel was pursuant to orders and benefit not accepted in personal capacity; and
  8. Reveals no actual or potential conflict of interest.
- C. Determine whether the component uses SOCO's model forms or has developed its own written procedures for implementing 41 C.F.R. part 304-1 and if so, whether the procedures are in compliance with part 304-1.
- D. For a sample of the payments identified in the semiannual report, obtain written authorizations or other documentation supporting acceptance of the payments. If there are no written documents determine how payments are approved for acceptance.

## **XV. ACCEPTANCE OF TRAVEL EXPENSES PURSUANT TO 5 U.S.C. 4111**

- A. Review all written authorizations to accept travel and related expenses from 26 U.S.C. 501(c)(3) organizations for the current and previous calendar years.
- B. Ensure that such travel:
1. Has been authorized by the head of an agency or his delegate, in accordance with 5 C.F.R. 410.502;
  2. Has been authorized in accordance with 5 C.F.R. 410.501 *et seq.* and 5 U.S.C. 4101 - 4118;
  3. Reveals no actual or potential violations of substantive restrictions in Appendix A.
  4. Has not been authorized for military personnel.

## **XVI. EDUCATION AND TRAINING**

- A. Through discussions with ethics officials, review pertinent documents, and, if possible, monitor one or more initial ethics orientations to ensure that:
1. There is a tracking system to identify new personnel who are required to receive the orientation and to ensure that they receive the orientation required by 5 C.F.R. 2638.703 and JER, 11-300 within 90 days of the date

of their entrance on duty (except for active duty enlisted military personnel who have 180 days).

- a. Military personnel
- b. Civilian personnel

B. Through discussions with ethics officials, a review of any pertinent documents, and, if possible, monitoring one or more annual agency ethics training presentations, ensure that verbal annual ethics training is provided to public filers each calendar year and:

- 1. The course content of the annual ethics training includes, at a minimum, as identified at 5 C.F.R. 2638.704(b), a reminder of personnel responsibilities under part I of Executive Order 12674, as modified, 5 C.F.R. part 2635, the Joint Ethics Regulation, and the conflict of interest statutes contained in 18 U.S.C. chapter 11, and the names, titles, office addresses, and telephone numbers of the DAEO and other agency ethics officials available to answer questions regarding personnel's ethical responsibilities;
- 2. Each public filer is given one hour of official duty time for verbal annual ethics training, presented by a qualified instructor, or prepared by a qualified instructor and presented by telecommunications, computer, audiotape or videotape;
- 3. Qualified individuals are available during and immediately after the training in accordance with 5 C.F.R. 2638.704(d); and
- 4. Exceptions under 5 C.F.R. 2638.704(e)(1) have been made in writing by the Deputy DAEO before the annual ethics training without a qualified instructor occurs.

C. Through discussions with ethics officials, a review of any pertinent documents, and if possible, monitoring one of more sessions, ensure that annual ethics training is provided to all other covered personnel each calendar year and:

- 1. It includes the content requirements of B.1. above;
- 2. It is presented verbally at least once every three years by a qualified instructor, or prepared by a qualified instructor and presented by telecommunications, computer, audiotape or videotape in accordance with 5 C.F.R. 2638.705(c)(1).
- 3. An amount of duty time the component determines is sufficient is given for written ethics training, prepared by a qualified instructor, to covered personnel in the years in which they do not receive verbal training; and
- 4. Exceptions under 5 C.F.R. 2635.705(d)(1) have been made in writing by the Deputy DAEO before the written annual ethics training occurs.

- D. There is a tracking system to identify personnel in the categories specified at 5 C.F.R. 2638.705(a)(1) through (6) and to identify the method of training that each is receiving:
  - 1. How many personnel were required to receive training in the previous calendar year? How many actually were trained? What actions were taken regarding personnel who failed to attend training?
  - 2. Review agency programs that ensure that all personnel who are required to be trained are trained.
  - 3. Ensure there is a system to track when personnel receive verbal briefings, and when they use written materials.
- E. Review training materials.
- F. Ensure that written plans for annual ethics training plans were developed in accordance with 5 C.F.R. 2638.706, and that it was in place at the beginning of the calendar year.
- G. Review materials used for specialized training, such as for senior officials, supervisors, aides, or procurement officials.
- H. Review ethics-related information such as announcements, letters, newsletters, e-mail, or notices disseminated to personnel.

## **XVII. SPECIAL GOVERNMENT EMPLOYEES (SGEs)**

- A. Identify all committees, councils, commissions, etc. that advise the agency and are comprised of SGEs.
  - 1. Review their charters.
  - 2. Obtain a list of their members.
  - 3. Determine who manages the committees, and whether ethics officials are involved in:
    - a. Establishing or improving lines of communication with management officials;
    - b. Ensuring that the component has a process for making status determinations prospectively for advisory committee members;
    - c. Being a part of the clearance process for appointing members to committees;
    - d. Periodically reviewing status determinations to ensure they are being properly made by committee management;



- e. Ensuring that committee management officials are aware of OGE's and DoD guidance and procedures on SGE and representative status determinations;
  - f. Providing advice and legal counsel to committee management officials;
  - g. Reviewing periodically component practices, procedures, policies and guidance for advisory committees; and
  - h. Ensuring that appointment letters or other committee documentation of appointments clearly state that members are serving as SGEs and that members are informed of their status.
- B. Ensure that the component has properly determined whether individuals who serve for 130 days or less are properly determined to be SGEs in accordance 18 USC 202(a), OGE Informal Advisory Memoranda 82x21, 82x22, and 00x1.
- C. For the current and previous calendar year:
  - 1. Identify all SGEs who served as members of advisory committees, as experts/consultants, or in other capacities; and
  - 2. Ensure that a determination was made as to whether each SGE was required to file a financial disclosure report in accordance with, as appropriate, 5 C.F.R. 2634.903, 2634.904 and JER 7-300.a.(2) (for confidential filers), and 2634.201, 2634.202 and JER 7-200.a.(4) (for public filers).
- D. Obtain the master list(s) of SGEs required to file public and confidential financial disclosure reports during the current and previous calendar year.
- E. Determine whether the reports have been filed as required in a timely manner in accordance with 5 C.F.R. 2634.903 (for confidential filers) and 5 C.F.R. 2634.201 (for public filers) and JER, 7-303.a.(2).
- F. Determine the status of any reports that could not be obtained.
- G. Review the reports to ensure they:
  - 1. Have been filed in a timely manner;
  - 2. Have been reviewed no later than 60 days after being filed;
  - 3. Are complete and accurate;
  - 4. Reveal no actual or potential violations of substantive restrictions in Appendix A.

- H. Review all 208(b)(1) and (3) waivers and disqualifications for the current and previous calendar years, and ensure that:
  - 1. The waivers have been granted in accordance with 5 C.F.R. 2635.402(d)(4) and 5 C.F.R. part 2640 and maintained for public inspection in accordance with 18 U.S.C. 208(d)(1);
  - 2. The disqualifications have been devised in accordance with 5 C.F.R. 2634.804(b)(1);
  - 3. They reveal no actual or potential violations of substantive restrictions in Appendix A; and
  - 4. A copy was forwarded to OGE.
- I. Ensure that the education, training, and counseling of SGEs comply with 5 C.F.R. 2638.703 and 2638.705.

## **XVIII. UNIQUE PERSONNEL PROGRAMS**

- A. Intergovernmental Personnel Act (IPA):
  - 1. Identify all personnel assigned or detailed to the organization pursuant to the IPA (5 U.S.C. 3371-3376)
  - 2. Ensure such personnel comply with ethics requirements of Federal employees. (See OGE DAEOgram DO-O6-031 of October 19, 2006)
- B. Highly Qualified Experts (5 U.S.C. 9905) (HQE)
  - 1. Identify all personnel hired as HQE's.
  - 2. Ensure such personnel comply with the ethics requirements of Federal employees. (See Under Secretary of Defense (Personnel and Readiness) memo of 2/7/04)

## **XIX. AGENCY GIFT ACCEPTANCE**

- A. Review guidance on acceptance of agency and personal gifts (local instructions implementing 10 U.S.C. 2601 or 2608 for agency gifts and 5 C.F.R. Subpart B).
- B. Review the records of acceptances of such gifts and determine whether such gifts:
  - 1. Have been solicited in violation of the authorizing statute or any implementing regulation or internal policy;

2. Have been accepted from a prohibited source which raises a real or apparent conflict of interest in violation of the authorizing statute or any regulation or internal policy; and
3. Could have been accepted under 31 U.S.C. 1353.

## **XX. ENFORCEMENT**

- A. Review procedures and guidance for reporting violations of criminal statutes.
- B. Review records of violations reported in accordance with JER, 10-201 and ensure that administrative or other action is taken for violations.
- C. Ensure that referrals of violations of 18 U.S.C. 203, 205, 207, 208, and 209 made to the DoD Component's criminal investigative organization (who is responsible for investigating and notifying Department of Justice) in accordance with JER, 10-201.c.(1).
- D. Ensure notice is provided to SOCO and OGE (on OGE Form 202) of referrals and declinations by DOJ?
- E. Ensure compliance with 5 C.F.R. 2638.203(b)(11) and (12) through discussions with ethics and OIG officials.
- F. References:
  1. 5 U.S.C. app. 402(e)(2)
  2. 28 U.S.C. 535
  3. JER, Chapter 10

## **XXI. OFFICIAL TRAVEL**

- A. Review authorizations for unofficial travel by family members accompanying senior officials on military aircraft on official business.
  1. Ensure such travel complies with DoDD 4500.6 (3/2/97)
  2. Has the Government been reimbursed at commercial rates?
- B. Is official travel by spouses substantiated by documented official business?

## **XXII. ETHICS OFFICE ADMINISTRATION**

A. Ensure ethics counselors have subscribed to applicable ethics websites:

1. DoD SOCO: [http://www.dod.mil/dodgc/defense\\_ethics/](http://www.dod.mil/dodgc/defense_ethics/)
2. OGE Listserv: <http://listserv.access.gpo.gov/>
3. Interagency Ethics Counsel (IEC): <http://www.iecjournal.org/>

B. Ensure ethics office has current ethics guidance including:

1. Current JER
2. Current DoD Ethics Counselor Deskbook
3. Current ethics regulations

## **XXIII. ETHICS AGREEMENTS**

Review all ethics agreements for the current and previous year. (Ethics agreements include waivers, divestiture agreements, resignations, and recusals).

1. Agreements should include written plan of action to accomplish agreement as well as evidence of completion.
2. Recusal documents should include specific steps to screen and route documents.

## **XXIV. FEEDBACK**

Consult with ethics officials regarding the effectiveness of the ethics program, problems areas, and recommendations to improve the program.

1. Is the ethics program working?
2. What are your major ethics problems?
3. How can we solve those problems?
4. What rules and policies just don't make sense?
5. What changes should we make to the JER, statutes?
6. What can DoD SOCO do to assist you?
7. What are your success stories?